

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOY CHRISTIAN,

CIVIL ACTION

Plaintiff,

Index No.:

Against

JURY TRIAL DEMANDED

NATIONAL RAILROAD PASSENGER CORP.,

VERIFIED COMPLAINT

Defendant.  
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NOW COMES Plaintiff JOY CHRISTIAN, by and through her attorneys, ROME, ARATA, BAXLEY & STELLY, L.L.C. and FLYNN & WIETZKE, P.C. and for her complaint against NATIONAL RAILROAD PASSENGER CORP., states as follows:

1. Plaintiff Joy Christian is an adult individual, residing at 6942 FM 1960 East, #152, Humble, Texas 77346, who was assigned to Defendant's New York crew base on the date of incident sued upon in the captioned proceedings.

2. Defendant National Railroad Passenger Corporation ("hereinafter "Amtrak"), including its predecessors, subsidiaries, agents, servants and employees, at all times pertinent in the part or past, is a domestic corporation engaged in the business of a common carrier by railroad in interstate commerce. At all relevant times, Defendant, including its predecessors in interest, was regularly and systematically conducting its business activities within the jurisdiction of this Court, as a common carrier of interstate and intrastate commerce and was engaged in interstate commerce and transportation.

3. At all times material hereto and for some time prior thereto, Plaintiff was in the employ of Defendant working as a Station Manager in furtherance of the Defendant's business of interstate commerce and transportation by railroad.

**COUNT I**

4. On or about August 3, 2020, Plaintiff was in the performance of her duties as a Station Manager working for Defendant Amtrak at Amtrak's Penn Station in New York, New York.

5. Despite a known epidemic of assault, battery, and other threatening behavior by persons who are not Amtrak passengers and have no other reason for being at Penn Station, Amtrak has failed to do anything to protect the safety of its employees, including Plaintiff, from physical attack.

6. At approximately 10:15 a.m., on said date, Plaintiff encountered a woman whom she assumed to be a passenger, in New York Penn Station. Plaintiff approached the woman and politely informed her that a face mask was required on all people in the Station, due to the ongoing COVID-19 epidemic. The woman became enraged, and began ranting about Plaintiff's request.

7. In order to avoid a violent interaction, Plaintiff turned to walk away; and as she headed toward her office, told a nearby Amtrak Usher "Please tell the Amtrak Police that we advised this woman to put on a mask, and she went crazy." As Plaintiff continued walking away, the Amtrak Usher cried out "Joy! Joy! She's coming behind you—be careful!"

8. As Plaintiff turned, the woman was directly in front of her, and Plaintiff startingly yelled "Get away from me!" Plaintiff then turned to flee, but before she could do so, the woman swiftly, violently, and with great force, slammed the back of Plaintiff's head with an object.

9. Plaintiff was immediately left dazed and startled. She grabbed her head in agony, and was assisted by several other Amtrak employees who came running to her aid from various locations in Penn Station.

10. Plaintiff was injured while engaged in the scope of her employment with Amtrak and as a direct result of Defendant's negligence.

11. Plaintiff's incident, injuries and damages, as herein described, were caused, in whole or in part, by breaches of the duties owed by Defendant to Plaintiff under the Federal Employers' Liability Act, 45 U.S.C. §51, *et seq.*, in that:

- (a) Amtrak failed to provide Plaintiff with a safe place in which to work;
- (b) Amtrak failed to properly warn Plaintiff of the dangers inherent in the place where she was assigned to work, specifically encounters with violent members of the public;
- (c) Amtrak failed to adhere to its non-delegable duty to ensure adequate safety of its employees at Penn Station;
- (d) Amtrak failed to maintain a policy to ascertain the location of its Penn Station employees so as to ensure that security and/or co-workers are within reach in case of an emergency or physical altercation;
- (e) Amtrak failed to provide a policy to maintain an adequate police force or presence and/or security officers at Penn Station;
- (f) Amtrak failed to train its employees to respond to unruly, violent members of the public at Penn Station in an appropriate and safe manner so as not to create a danger to employees or the public; and
- (g) Amtrak failed to exercise due care and caution commensurate with the surrounding circumstances.

12. Plaintiff's injuries resulted from the negligence of Defendant Amtrak as enunciated above, without any fault or negligence on the part of Plaintiff contributing thereto.

13. As a result of Defendant's aforesaid negligence, Plaintiff sustained serious and permanent physical injuries to her head, neck, and upper extremities, including a severe concussion, as well as post-traumatic stress disorder, *inter alia*, requiring extensive medical treatment; and Plaintiff has suffered, and will continue to suffer into the future, physical pain and mental anguish. Plaintiff's earning capacity has been diminished, and Plaintiff has lost, and may in the future lose, substantial time from employment

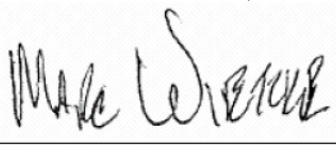
with a significant loss of earnings therefrom. Plaintiff has incurred, and may in the future incur, expenses for medical and related treatment.

14. Plaintiff avers that, at the time of the incident and concomitant injuries made the basis of this lawsuit, she was an able-bodied employee of Amtrak, and Plaintiff demands full recovery for all sums reasonable in the premises for the following categories of damages:

- (a) Physical pain and suffering, past and future;
- (b) Mental anguish, past and future;
- (c) Loss of enjoyment of life, past and future;
- (d) Lost wages, loss of earning capacity, and/or loss of fringe benefits, past and future; and
- (e) Unpaid medical expenses, past and future.

**WHEREFORE**, Plaintiff Joy Christian demands judgment in her favor and against Defendant National Railroad Passenger Corporation d/b/a “Amtrak,” for compensatory damages in excess of \$200,000, together with legal interest from date of judicial demand, costs, and any further and additional relief that this Honorable Court deems appropriate.

**FLYNN & WIETZKE, PC**

By: 

MARC WIETZKE

1205 Franklin Avenue

Suite 370

Garden City, NY 11530

Telephone: (516) 877-1234

Facsimile: (516) 877-1177

E-mail: *Mwietzke@FELAattorney.com*

AND

**ROME, ARATA, BAXLEY & STELLY, L.L.C.**

**C. Perrin Rome, III, Esq.**

**W. Chad Stelly, Esq.**

**Jason C. MacFetters, Esq.**

650 Poydras Street, Suite 2017

New Orleans, LA 70130

Telephone: (504) 522-9980

Facsimile: (504) 522-9971

E-mail: [Prome@romearata.com](mailto:Prome@romearata.com)  
[wcstelly@romearata.com](mailto:wcstelly@romearata.com)